IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 18316 of 2007(E)

PETITIONERS:

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1. JANAKI AMMAL, AGED 94 YEARS,
   PAYYAPPILLY MADOM, EAST NADA, IRINJALAKUDA.

2. KEKHA ASOKAN, KOOTHAPALACKAL HOUSE,
   IRINJALAKUDA P.O.

3. T.V.ANTO, AGED 49 YEARS, THOMMANA HOUSE,
   NEAR SNEHA BHAVAN, IRINJALAKUDA.

4. T.V.JUSTIN, THOMMANA HOUSE,
   NEAR SNEHA BHAVAN, IRINJALAKUDA.

5. ROY JOSEPH, AGED 39 YEARS,
   KOLANKANNY HOUSE, AZAD ROAD, IRINJALAKUDA (NORTH).

6. K.D.JOJI, KODALIPARAMBIL HOUSE,
   EAST COMBARA, IRINJALAKUDA.

7. K.P.CHAKRAPANI, AGED 72 YEARS,
   KIZHAKKEPISHARAM, EAST NADA, IRINJALAKUDA.

8. K.P.RAMAN 69 YEARS,
   KIZHAKKE PISHARAM, EAST NADA. IRINJALAKUDA.

BY ADV. SRI.RENJITH THAMPAN

RESPONDENTS:

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1. IRINJALAKUDA MUNICIPALITY,
   REPRESENTED BY ITS SECRETARY, IRINJALAKUDA.

2. SECRETARY, IRINJALAKUDA MUNICIPALITY,
   IRINJALAKUDA.

BY SC. SRI. K.K. CHANDRAN PILLAI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.18316 of 2007

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Dated this the 21st day of June, 2007

JUDGMENT

Petitioners challenge Ext.P3 series. Notices were issued by the respondent Municipality directing the petitioners to remove the alleged encroachment made by the petitioners on the Municipal road.

2. I heard learned counsel for the petitioners and the learned counsel for the Municipality. Counter affidavit is also filed by the respondent Municipality.

3. Counsel for the petitioners submits that petitioners 6, 7 and 8 have already preferred appeals before the Council of the respondent Municipality. As far as the other petitioners are concerned, he submits that they will also prefer appeals before the Council against the impugned orders. Petitioners have filed Ext.P4 series objections before the Secretary to afford opportunity of hearing before proceeding with Ext.P3 series. In view of the fact that the petitioners have an alternate remedy and petitioners 6, 7 and 8 have already approached the appellate forum and the other petitioners, it is submitted, will also avail

the alternate remedy, I need not consider that question in this writ petition. Counsel for the petitioners submits that appeals will be filed by the other petitioners within a week from today. I record this submission.

The writ petition is disposed of directing that till such time a decision is taken in the appeals, the proceedings as per Ext.P3 series shall be kept in abeyance. Sri.K.K.Chandran Pillai, learned counsel for the Municipality submits that survey sketch received by the Municipality from the revenue officials are produced along with the counter affidavit and it can be treated as service of the said documents on the petitioners. This is also recorded.

(K.M. JOSEPH, JUDGE)

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